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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,915	12/05/2001	James A. Campo	ARW 2 0174	8504

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EXAMINER

CAPRON, AARON J

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 04/10/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/004,915	CAMPO ET AL.
	Examiner	Art Unit
	Aaron J. Capron	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 12 April 2002.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-31 is/are pending in the application.

4a) Of the above claim(s) 20 and 21 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-19 and 22-31 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-19 and 22-31, drawn to an electronic gaming system having a processor module removably connected to a electronic gaming unit, classified in class 463, subclass 40.
- II. Claims 20-21, drawn to an electronic bingo game in communication with a master controller, classified in class 463, subclass 19.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as providing a processor module removably connected to the dumb electronic gaming unit wherein the gaming unit does not operate properly unless connected to the processor module, while invention II providing a bingo game in communication with a master gaming controller. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Jay Moldovanyi on April 2, 2003, a provisional election was made without traverse to prosecute the invention of Group I, claims 1-19 and 22-31. Affirmation of this election must be made by applicant in replying to this Office action. Claims 20-21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-14, 16-19, 23-24 and 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier et al. (U.S. Patent No. 5,970,143) in view of Newton's Telecom Dictionary's definition of PCMCIA (hereafter as "NTD PCMCIA").

Referring to claim 22, Schneier discloses an electronic gaming system for running an associated game play program capable of providing game play to a player, the electronic gaming

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system comprising: a master unit (Figures 2-3); a plurality of hand held units spaced away from the master unit (10:13-29), each hand-held unit comprising: a housing; an I/O device in the housing; and a connector; and discloses a modem (11:56-12:64) wherein the modem is needed to transfer the outcome of the game to the central computer and a PCMCIA card (10:38-42), but does not disclose the modem being removably attachable plug-in processor module. However, NTD PCMCIA discloses that the PCMCIA card can act as a modem and is removably attachable to the hand-held device in order to allow a user/player to communicate with the main computer. PCMCIA cards are advantageous since application software will run directly from the card, start faster and not require precious RAM from the host computer. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a PCMCIA card as a modem, as disclosed by NTD PCMCIA, into Schneier's gaming system in order to since PCMCIA cards allow software to run directly from the card, start faster and not require precious RAM from the host computer.

Referring to claim 23, Schneier in view of NTD PCMCIA disclose that the PCMCIA card is connected to the hand held unit and can act as a modem and be in communication with the master gaming controller (Schneier 11:56-64).

Referring to claim 24, Schneier in view of NTD PCMCIA disclose the master unit is stationary and the hand-held units are portable (Schneier Figs 2-3, and 10:13-20).

Referring to claim 26, Schneier in view of NTD PCMCIA disclose that the PCMCIA card (iPower cards) includes security means (16:43-17:42)

Referring to claim 27, Schneier in view of NTD PCMCIA disclose hardwired network communication hardware (Figures 2-3)

Referring to claim 28, Schneier in view of NTD PCMCIA disclose the plug-in communication modules includes at least one of Ethernet connection (NTD PCMCIA) and a telephone line (Schneier 7:66-8:2)

Referring to claim 29, Schneier in view of NTD PCMCIA disclose each of the plurality of units further includes a theft deterrent feature (36:65-66: password).

Referring to claim 30, Schneier in view of NTD PCMCIA disclose a handheld device, but does not specifically disclose a battery for powering the I/O device. However, it is notoriously well known within the art of handheld devices that batteries are used to power the handheld devices. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a battery into the handheld device of Schneier and NTD PCMCIA in order to power the handheld device.

Referring to claim 31, Schneier in view of NTD PCMCIA disclose a memory backup battery in each of the plurality of plug-in processor modules (46:27-39).

Claims 1-3, 6-7 and 9-11 correspond in scope to an electronic gaming system set forth for use of the electronic gaming system listed in the claims above and are encompassed by use as set forth in the rejection above.

Referring to claims 4-5, Schneier in view of NTD PCMCIA disclose the unique identifier is an IP address. (NTD PCMCIA definition of IP Addressing).

Claims 12-13 and 16-19 correspond in scope to an electronic gaming system set forth for use of the electronic gaming system listed in the claims above and are encompassed by use as set forth in the rejection above.

Referring to claim 14, Schneier in view of NTD PCMCIA disclose another gaming unit is another remote unit in the network (10:29-32).

Claims 8, 15 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier in view of NTD PCMCIA as applied to claims 1-7, 9-14, 16-19, 23-24 and 26-31 above, and further in view of "A Simple Wireless Computer Connection for Home, Office, or School" (hereafter "WL PCMCIA").

Referring to claim 25, Schneier and NTD PCMCIA disclose a communication module, but do not disclose the wireless capabilities of the PCMCIA card. However, WL PCMCIA discloses that the PCMCIA card can have wireless features (page 2). One would be motivated to combine the references in order to allow the player the flexibility to move around as the player plays the game. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate wireless features of WL PCMCIA into the gaming system of Schneier and NTD PCMCIA in order to allow the player the flexibility to move around as the player plays the game.

Claim 8 corresponds in scope to an electronic gaming system set forth for use of the electronic gaming system listed in the claims above and is encompassed by use as set forth in the rejection above.

Claim 15 corresponds in scope to an electronic gaming system set forth for use of the electronic gaming system listed in the claims above and is encompassed by use as set forth in the rejection above.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ajc  
April 3, 2003



MARK SAGER  
PRIMARY EXAMINER